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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,390	03/17/2004	Zion Azar	299/03782	3668

44909 7590 06/30/2006

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EXAMINER

AHMED, HASAN SYED

ART UNIT	PAPER NUMBER
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1615

DATE MAILED: 06/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/802,390	Applicant(s) AZAR ET AL.	
	Examiner Hasan S. Ahmed	Art Unit 1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/9/04</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Receipt is acknowledged of applicants' IDS filed on 9 August 2004.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin, *et. al.* (U.S. Patent No. 5,671,498) in view of Crabtree, *et. al.* (U.S. Patent No. 5,791,008).

Martin, *et. al.* teach a scrubbing device (see col. 1, lines 4-10).

The disclosed scrubbing device is comprised of: (1) an abrasive surface; and (2) a sponge material backing the abrasive surface (see col. 6, lines 48-67; Figures 4 and 5). The sponge material has an end that is remote from the abrasive surface (see items 60 and 62 in Figure 4), and is cylindrical in shape (see col. 6, lines 48-67; Figures 4 and 5).

Although the disclosed scrubbing device has a protective ring (see col. 6, lines 48-67; Figures 4 and 5), it is not made of the same material as the backing. Burden shifts to applicants to show an unexpected result from a protective ring of the same material as the backing, as recited in instant claims 5 and 10.

No patentable weight is given to the intended use of the claimed protective ring “to reduce contact between the edge of the abrasive pad and a surface being abraded,” as recited in instant claims 3 and 7.

Martin, *et. al.* explain that their invention is useful for “...exfoliation of dead skin cells from the epidermis or surface skin of a human body...” See col. 5, lines 13-16.

The Martin, *et. al.* reference differs from the instant case in that it does not disclose flaps formed by slits in the spongy material.

Crabtree teaches a sponge material with two slits starting at the edge of the sponge material, such that flaps formed by the slits can be folded back (see col. 1, line 65 – col. 2, line 5; Figures 1, 2, 6 and 7).

Crabtree explains that her invention is beneficial because the sponge will have an even contact surface with smooth flow and even application of substances being used on the sponge (see col. 1, lines 9-11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to add flaps and a protective ring to an a sponge pad, as taught by Martin, *et. al.* in view of Crabtree. Motivation to add flaps to a sponge pad, as disclosed by Crabtree, would come from the beneficial effects of an even contact surface with smooth flow and even application of substances being used on the sponge, as discussed above.

Those of ordinary skill in the art would expect similar effects from the instant sponge pad, given the teachings of Martin, *et. al.* in view of Crabtree. Thus, the instant

Art Unit: 1615


invention would have been obvious, given the teachings of Martin, *et. al.* in view of Crabtree.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hasan S. Ahmed whose telephone number is 571-272-4792. The examiner can normally be reached on 9am - 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael P. Woodward can be reached on 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


MICHAEL P. WOODWARD
SUPERVISORY PATENT EXAMINER
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